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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,949	12/21/2001	J. Martin Carlson	T291.12-0013	2634

7590

07/01/2003

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EXAMINER

LEWIS, KIM M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 07/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/027,949

Applicant(s)

CARLSON ET AL.

Examiner

Kim M. Lewis

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001 and 14 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed Action*.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The preliminary amendment filed on 12/21/01 has been received and made of record. The specification has been amended and Claims 1-12 have been canceled as requested.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 12/21/01 has been received and made of record in the application file wrapper. Note the acknowledged PTO-1440 form enclosed herewith.

### ***Drawings***

3. The corrected or substitute drawings were received on 3/14/02. These drawings are approved by the examiner.

### ***Claim Objections***

4. Claim 13 is objected to because of the following informalities:

Claim 13, line 5, "load" should read --the load--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

6. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As regards claim 15, "the calcaneus region" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 13-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,590,420 ("Gunn").

As regards claims 13 and 14, Gunn discloses all features of the method claim including disclosing a friction management method for a support object supporting a portion of a human body having support bones, tissue around the support bones and skin on an outer side of the tissue, comprising the steps of selecting pressure regions of high loads when the load is carried between the object and the <sup>portion of</sup> human body [supported], applying selected patches of material having low friction surfaces interfaced between <sup>portions of the exposed surface of</sup> the object and the skin in the selected regions (Fig. 4, Abstract, col. 2, lines 32-51).

As regards claim 15, note Fig. 3, which shows the calcaneus region being supported.

As regards claim 17, Gunn discloses all features of the claim including a method of reducing trauma to tissue supported on an object comprising the steps of selected a plurality of support regions of high load where shear load on tissue is likely to cause damage, and providing a low friction surface patch between each of the plurality of regions of high load and an object supporting the tissue (Fig. 4, Abstract, col. 2, lines 32-51).

As regards claim 18, Gunn discloses the use of Teflon, which is polytetrafluoroethylene (col. 2, lines 52-54).

As regards claim 19, the step of identifying support regions when low friction surface patches are omitted is inherently practiced by not placing patches in those areas.

As regards claim 20, Gunn discloses that the low friction material may be incorporated into the article by treating a fiber, yarn, fabric or finished article or by weaving the a low friction fiber or yarn into an article or fabric (col. 3). As such, opposite sides of the article with patch have low friction material thereon.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3761

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,732,578 ("Pollack") in view of Gunn.

As regards claims 13 and 16, Pollack disclose a management method for support of a prosthetic device having a socket for receiving a portion of a limb to be supported. The method includes selecting pressure regions of high loads when the load is carried between the prosthetic device and the human body supported, and applying a pad between the device and the skin in the selected regions (col. 1, line 43-col. 2,line12).

Art Unit: 3761

Pollack fails to teach a plurality of pads and that the pad has a low friction.

However, Gunn teaches it is conventional to treat articles with a low friction material in order to minimize friction between the skin and the article. This will help to minimize irritation of the skin.

In view of Gunn, it would have been obvious to one having ordinary skill in the art to modify Pollack by treating the pad with a low friction material in order to minimize friction between the skin and the article. This will help to minimize irritation of the skin.

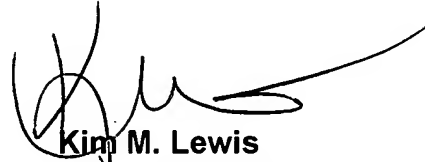
As regards the use of one pad instead of a plurality of pads, Pollack teaches the high pressure points can be alleviated by one pad. However, since Gunn provides a plurality of pads, one having ordinary skill in the art would have been motivated by Gunn to provide a plurality of pads at only the high pressure point locations in order to create a more comfortable device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is 703.308.1191. The examiner can normally be reached on Mondays and Tuesdays from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 703.308.1957. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.3590 for regular communications and 703.305.3590 for After Final communications.

Art Unit: 3761

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0858.

A handwritten signature in black ink, appearing to read 'Kim M. Lewis', with a long horizontal flourish extending to the right.

**Kim M. Lewis**  
**Primary Examiner**  
**Art Unit 3761**

kml  
June 30, 2003